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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,430	12/28/2000	Nicholas Sauriol	56130.000066	5692

7590

02/26/2004

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EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/749,430

Applicant(s)

SAURIOL ET AL.

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments, see page 8, remarks/arguments, filed 11/26/03, with respect to the rejection(s) of claim(s) 1,2,4-7, 9, 10, 12-15, 22 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Youngs et al (US006600918B1).

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19, and 21-29 rejected under 35 U.S.C. 102(e) as being anticipated by Young et al (US006600918B1).

With respect to claims 1, 9, Young discloses a method and an apparatus for broadcasting radio programming, TV shows, Internet, and etc. over a cellular transmission network (see column 3 and lines 10), comprising:

Providing radio programming in an appropriate format; Enabling the radio programming to be accessible over a processor based network and wherein the processor based network is connectable to a cellular transmission network; and transmitting the radio programming over the

Art Unit: 2682

cellular transmission network and receiving radio programming (see figure 1, column 3 and lines 5-29).

With respect to claims 17, 26-29, Young discloses an access device, MSC, for enabling radio programming to be accessible over a processor-based network, a wireless network, the access device comprising:

An input for receiving radio programming (see figure 1), inherently a converter for converting the radio programming to an appropriate format and a delivery module, a base station control that delivers the radio programming to a cellular transmission network.

With respect to claim 22, Young discloses a receiver (see figure 1 and item 32f), the receiver comprising: an input for receiving the radio programming signal; an audio output for delivering an audible portion of the radio programming signal; and a display for displaying a visible portion of the radio programming signal (see column 3 and lines 5-15).

With respect to claims 2, 3 and 9, 10, Young further teaches a step of receiving the radio programming (see figure 1 item 24) with a decoder receiver.

With respect to claims 4-7 and 12 -15, Young further teaches that the cellular transmission network transmits signals over a plurality of channels and the step of transmitting the radio programming further comprises: transmitting information over at least one of the plurality of channels (see figure 1 and column 3 and lines 60-65), transmitting the advertising information in a format that is displayable as visual display (see column 3 and lines 15-20).

With respect to claims 8, 16, 18, Young further teaches that accessing a radio station over the Internet (see column 3 and lines 17-20).

With respect to claim 19, Young further teaches that the input further comprises an over air radio broadcast receiver (see column 3 and line 14)

With respect to claims 21 and 25, Young further teaches an additional input for receiving additional cellular transmission network signals (see figure 1).

With respect to claims 23 and 24, Young further teaches a handset that receives the radio-programming signal (see column 3 and lines 5-10), inherently the handset comprises a decoder and a decompressor.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US006600918B1).

With respect to claim 20, Young doesn't expressly teach that the broadcast system further comprises a signal compressor for compressing a signal associated with the radio programming received as input and an encoder for encoding the signal. The examiner takes "Official Notice" of the fact that is notoriously well-known in the art to compress and encode an input signal in order to be adapted by another system.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to compress and encode an input signal with the broadcasting system

Art Unit: 2682

such that the wireless communication system is able to adapt the signal from other media and broadcast it in its own domain.

*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

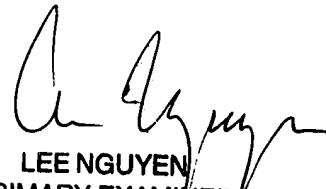
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
February 23, 2004

  
LEE NGUYEN  
PRIMARY EXAMINER